



IF 26165

PATENT  
ATTORNEY DOCKET: 041465-5108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Masanori NAKAHARA et al. ) Confirmation No.: 3876  
)  
Application No.: 09/826,009 ) Group Art Unit: 2616  
)  
Filed: April 5, 2001 ) Examiner: Christopher O. Onuaku  
)  
For: INFORMATION RECORDING ) **Mail Stop Amendment**  
MEDIUM, INFORMATION )  
RECORDING APPARATUS AND )  
METHOD, INFORMATION )  
REPRODUCING APPARATUS AND )  
METHOD, COMPUTER DATA )  
SIGNAL EMBODIED IN A CARRIER )  
WAVE )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the non-final Office Action dated January 11, 2005.
2. Additional papers enclosed:
  - ☐ Drawings: \_\_\_\_\_ sheets with \_\_\_\_\_ figures
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$1020.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	46	minus	28	18	x \$50 each =	+ \$900.00
Independent Claims (37 C.F.R. §1.16(b))	9	minus	9	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$900.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$900.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Enclosed is a check in the amount of \$1,920.00, representing \$1,020.00 for the three-month extension of time fee, \$900.00 for the additional claims fee.
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: July 11, 2005

By: 

Paul A. Fournier

Registration No. 41,023

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Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**AMENDMENT**

In response to the non-final Office Action dated January 11, 2005, the period for response to which extends through July 11, 2005, by the concurrently filed request for a three-month extension of time and corresponding fee payment, please amend the above-identified application as follows:

07/12/2005 SZEWDIE1 00000100 09826009

01 FC:1253 1020.00 OP

07/12/2005 SZEWDIE1 00000100 09826009

02 FC:1202 900.00 OP